

NOTICE

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Planning & Growth Management

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Programs

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**Charles County
Government**

Department of
Planning &
Growth
Management

Melvin C. Beall, Jr., P.E.
Director



Equal Opportunity
County
Say No To Drugs

Certification of Transferrable Development Rights (TDR's)

Article XVII, Section 297-279 of the Charles County Zoning Ordinance states that "TDR sending areas are all those properties enrolled in the Maryland Agricultural Land Preservation Program (MALPP) and have been recorded in the Charles County Land Records". The mechanism to enroll in the MALPP was once accomplished by creating an Agricultural Land Preservation District and recording a District Agreement among the County's Land Records through the State's process. As of July 2008, the MALPP is not creating any new Agricultural Land Preservation Districts, which eliminates the mechanism to certify Transferrable Development Rights (TDR's) on properties, unless they were enrolled in the MALPP prior to July 2008.

In addition, the Charles County Soil Survey was updated in 2008 by the United States Department of Agriculture (USDA). The updated Soil Survey reclassified several soil mapping units, found on working farms, from capability rating Class III to capability rating Class IV. Those soil mapping units which changed from a Class III rating in 1974 to a Class IV rating in 2008 have very similar capabilities and limitations for most field crops.

Until a zoning text amendment is approved to amend § 297-279, the existing eligibility criteria for enrollment in the MALPP will continue to be used to assign TDR's, with the exception that the majority of the land of a property shall consist of USDA soil capability Classes I - IV in accordance with the 2008 Soil Survey as opposed to Classes I – III based on the 1974 Soil Survey. Data from the current web based 2008 Soil Survey of Charles County, Maryland will be used to determine soil capability.

Under the current MALPP program at least 50% of the soils of a property must qualify and if not, then no TDR's may be assigned to the property. As an interim measure TDR's may also be assigned to a property, on a prorated basis, so long as the entire sending property is encumbered by the TDR covenants. For example, a 150 acre parcel would previously had to have at least 50% of the soils qualify, or 75 acres in order to receive 100% of the available TDR's (150 acres/3 units per acre = 25 TDR's). If the 150 acre parcel contained 45 acres of Class I-IV soils it would have 60% of the acres needed to fully qualify (45/75 = 60%). 60% of 25 TDR's equals 15 TDR's.

"Those citizens with special needs, please contact Melanie Myles, Charles County Department of Planning and Growth Management, Codes, Permits & Inspection Services, voice phone number @ (301)645-0618 or Maryland Relay Service TDD 1-800-735-2258."